

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KNIGHT MPIC VENTURES, LLC, KNIGHT	:	
MPIC VENTURES II, LLC, and KNIGHT	:	
VENTURES III, LLC.,	:	
	:	18 Civ. 8126 (LGS)
Plaintiffs,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
KRAIG T. HIGGINSON.,	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 4, 2020, this Court issued an Opinion and Order (the “Order”) granting Plaintiffs’ motion for summary judgment, and awarding Plaintiffs judgment against Defendant “in the amount of \$3,500,000 plus interest and reasonable costs, including reasonable attorneys' fees.” *See* Dkt. No. 71.

WHEREAS, on February 28, 2020, Plaintiffs filed a motion for attorneys’ fees, and also requested that the Court apply the parties’ pre- and post-contractual interest rates, in lieu of the federal rates, when issuing its judgment. *See* Dkt. No. 74. Plaintiffs did not seek this interest rate in the motion for summary judgment, nor was the excerpt of the Loan Agreement on which Plaintiffs rely provided to the Court.

WHEREAS, on March 20, 2020, Defendant filed a memorandum of law in opposition to Plaintiffs’ motion, arguing in relevant part that the at-issue Guaranty and the Strict Foreclosure and Forbearance Agreement (“SFFA”) do not require Defendant to pay any additional contractual interest and therefore, at best, Plaintiffs are allowed federal statutory post-judgment interest. *See* Dkt. No. 77.


WHEREAS, on July 2, 2020, Judge Fox issued an order directing the parties to seek a ruling from the assigned District Judge on the issue of interest. *See* Dkt. No. 79.

WHEREAS, the parties have not sought such a ruling. It is hereby

ORDERED that, if Plaintiffs intend to seek an interest rate on the judgment in the amount of \$3,500,000 plus interest other than the federal statutory post-judgment interest, by **August 14, 2020**, Plaintiffs shall file a letter motion explaining the grounds for such an award, and explaining why the argument was not waived because Plaintiffs failed to make it in the motion for summary judgment. Defendant shall file any letter response by **August 21, 2020**.

Judge Fox is respectfully requested to proceed with the motion for attorneys' fees, excluding Plaintiffs' request for additional interest on the judgment.

Dated: August 7, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE